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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/138,920	08/24/1998	CHRISTOPHER L. AUTEN		4701

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EXAMINER

DAVIS, TEMICA M

ART UNIT PAPER NUMBER

2681

DATE MAILED: 03/15/2004

31

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/138,920

Applicant(s)

AUTEN ET AL.

Examiner

Temica M. Davis

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11, 13, 15 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11, 13, 15, 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/29/2003 (with respect to Armani, U.S. Patent No. 5,786,106) have been fully considered but they are not persuasive.

Applicant argues that Armani teaches away from the present invention. Firstly, applicant argues that the battery pack with a light source in Armani is a dynamic integration of individual components. Applicant argues that this dynamic integration is in opposition of the static integration of the individual components of the present invention.

In regards to this argument, the examiner would like to point out that the static features of the power source argued are not presently claimed. The claims as currently amended only require that the power source unit be adapted to be received in a telecommunications device and that the a source of illumination be located within the power source unit. Armani meets these limitations as shown in figure 2. It shows a removable power source unit (110) that has a source of illumination (80) located within the power source unit housing.

Secondly, applicant argues that the power source and the source of illumination of the presently amended claims are arranged in a static, single closed circuit, and not of the docking arrangement of the power source and the source of illumination as shown in Armani.

In regards to this argument, it should also be pointed out that a static, single closed circuit is not claimed. The only requirement is that the source of illumination be in electrical communication with the power source. Armani meets this limitation by connecting the battery pack to the cartridge (with light source) via electrical contacts (col. 4, line 55-col. 5, line 7).

Therefore, based on the requirements of the presently amended claims, Armani meets the limitations.

2. Applicant's arguments filed 12/29/2003 with respect to the rejection(s) of claim(s) 8-10, 13 and 15 under 35 U.S.C. 103(a) as being unpatentable over Armani in view of Soon, U.S. Patent 5,901,206, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made with Armani in view of Gomez et al (Gomez), U.S. Patent No. 5,884,195 as set forth below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-10, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armani in view of Gomez.

Regarding claim 8, Armani discloses an integrated power source unit (110) for a telecommunications device (Motorola MicroTac) comprising a power source unit housing (figure 1) adapted to be received by a telecommunication device (col. 3, lines 20-41 and col. 4, lines 55-63) inherently having a housing, a lens (30) located in the wall of the power source unit housing in a location wherein when the power source unit housing is received by the telecommunications device, the lens is positioned inherently on a face of the telecommunications device as evidenced by the fact that the power source attaches to the telecommunications device (col. 5, lines 40-52), a source of illumination located within the power source unit housing and positioned to project a beam of light through the lens (col. 5, lines 8-9; figure 2) to inherently illuminate an area surrounding the telecommunications device with sufficient candlepower to enable a user to view the area as evidenced by the fact that its a flashlight (col. 3, lines 42-44); and a power source for the source of illumination in electrical communication with the source of illumination (col. 6, lines 36-43).

Armani, however, fails to specifically disclose the shape of telecommunications device housing , particularly wherein the housing has a parallelepiped housing a front face, a back face, and first and second side face, a top end face and a bottom end face, wherein the lens of the power source housing is positioned in the bottom face of the telecommunications device housing.

In a similar field of endeavor, Gomez discloses the MicroTac telecommunications device discussed in Armani. Gomez further discloses wherein the portable telephone has a parallelepiped housing a front face, a back face, and first and second side face, a top end face and a bottom end face (col. 3, lines 39-54; figures 1-3). Gomez further discloses wherein the housing of the phone includes a slidably engaging rechargeable battery.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Armani and Gomez since the it is known in the art that MicroTac phone is parallelepiped shaped.

The combination of Armani and Gomez further discloses wherein the lens of the power source unit is located in the bottom end face of the phone when the battery pack and the phone are integrated (Armani, figures 1 and 2 and Gomez; figure 2).

Regarding claim 9, the combination of Armani and Gomez discloses the power source unit of claim 8 further comprising a switch in electrical communication with the power source of the source of illumination (Armani, col. 6, lines 36-43).

Regarding claim 10, the combination of Armani and Gomez discloses the power source unit of claim 8, wherein the source of illumination is an incandescent light bulb (i.e., lamp 74; col. 5, lines 8-9; figure 3B).

Regarding claim 13, the combination of Armani and Gomez discloses a cordless telephone comprising the power source unit of claim 8 (Armani, col. 7, lines 37-44).

Regarding claim 15, the combination of Armani and Gomez discloses a cellular telephone comprising the power source unit of claim 8 (Armani, col. 7, lines 37-44).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armani, Gomez and further in view of Sharrah et al (Sharrah), U.S. Patent No. 5,871,272.

Regarding claim 11, the combination of Armani and Gomez discloses the power source unit of claim 8 as described above. The combination, however, fails to specifically disclose wherein the source of illumination is a light emitting diode (LED).

In a similar field of endeavor, Sharrah discloses a flashlight with a rotatable lamp head. Sharrah further discloses wherein the flashlight uses an LED as its source of illumination (col. 2, lines 35-62).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Armani and Gomez with the teachings of Sharrah for the purposes of providing low-light intensity in a viewing area, thereby possibly conserving battery power.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armani and Gomez in further view of Mallory, U.S. Patent No. 4,499,525.

Regarding claim 20, the combination of Armani and Gomez discloses the power source of claim 8 as described above and further, inherently discloses the source of light generating a certain amount of lumens as evidenced by the fact that it is a light bulb.

The combination, however, fails to specifically disclose wherein the source of illumination is capable of generating from 0.1 to 30 lumens.

In a similar field of endeavor, Mallory discloses a constant illumination flashlight. Mallory further discloses wherein bulb within the flashlight can generate various amounts of lumens between 0.1 to 30 (col. 5, line 22-col. 6, line 40).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Armani and Gomez with the teachings of Mallory since it is known in the art that flashlight bulbs produce various amounts of lumens in order to view a users surrounding area.

Although the range of lumens generated do not specifically include 0.1 and 30, the examiner contends that at the time of invention, such a feature would have been obvious to one of ordinary skill in the art since it has been held that finding workable ranges requires only routine skill in the art.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached Monday-Friday (alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Application/Control Number: 09/138,920
Art Unit: 2681

Page 8

Temica M. Davis
Examiner
Art Unit 2681

TMD
March 10, 2004

A handwritten signature in black ink, appearing to read "Temica M. Davis", with a stylized flourish at the end.

TEMICA M. DAVIS
PATENT EXAMINER